



C-2017-2605855

PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG, PENNSYLVANIA

November 8, 2017

Rosemary Chiavetta
SECRETARY

P.O. BOX 3265
HARRISBURG, PA 17105
PHONE: (717) 772-7777
FAX: (717) 783-9526

**Honorable Andrew H. Dowling, Judge
Dauphin County Court of Common Pleas
Dauphin County Courthouse
101 Market Street
Harrisburg, Pennsylvania 17102**

**RE: Chalmers v. Harbilas
Dauphin County Court Docket Number 2017-CV-04021**

Your Honor:

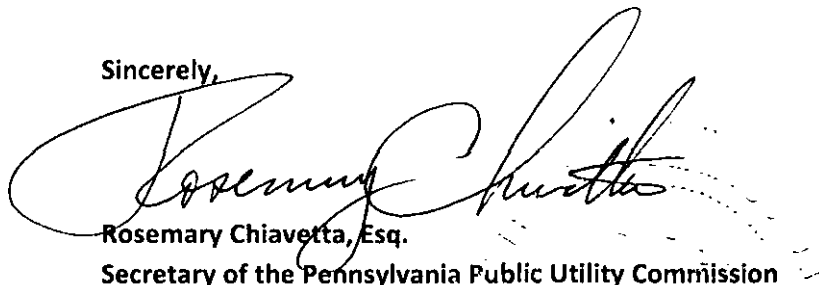
Please find attached to this cover letter a Subpoena to Attend and Testify (the Subpoena) served upon me in my capacity as Secretary of the Pennsylvania Public Utility Commission (the Commission) after 4 p.m. today, November 8, 2017. For the following reasons, the Pennsylvania Public Utility Commission asks the Dauphin County Court of Common Pleas to quash the Subpoena:

- 1. The Commission has no jurisdiction over the landlord tenant dispute between the Plaintiff and the Defendant in the above captioned case pending before the Dauphin County Court of Common Pleas (the Court).**
- 2. The Commission does not possess the requested records named in the Subpoena at Item #2. "All PPL Electric Company notes, files, bills" or other documents regarding the Plaintiff's electric service are not in the possession of the Commission.**
- 3. The Plaintiff currently has pending litigation in the form of a formal complaint at PUC Docket Number C-2017-2605855 before Administrative Law Judge Dennis J. Buckley. This matter has not yet been scheduled for a hearing before Judge Buckley, and no final adjudication has occurred.**
- 4. For this reason, a copy of this letter to the Court and the attached Subpoena will be placed in the record at Docket Number C-2017-2605855 and served upon Counsel for PPL Electric Utilities (PPL) to cure any potential ex parte communication, prohibited by the Pennsylvania Public Utility Code at 66 Pa. C. S. Section 334(c), caused by the Plaintiff serving this Subpoena upon the Commission and failing to provide a Certificate of Service to the Parties of Record in the formal complaint case, namely Respondent PPL and its Counsel.**

5. The Commission objects to the service of this Subpoena by the Plaintiff less than 24 hours prior to the hearing scheduled for 1 p.m. on November 9, 2017, as unreasonable service upon the Commission.

For these reasons, the Commission asks Your Honor to quash the Subpoena served upon the Pennsylvania Public Utility Commission.

Sincerely,



Rosemary Chiavetta, Esq.
Secretary of the Pennsylvania Public Utility Commission

Attachment

Certificate of Service attached to:

Stephen C. Farina, Prothonotary, Dauphin County
Chalmers A. Simpson, Plaintiff and Complainant before the Pennsylvania Commission
James W. Kollas, Esq., Counsel for Defendant Harbilas
Administrative Law Judge Dennis J. Buckley, Pennsylvania Commission
Kimberly G. Krupka, Esq., Counsel for PPL Electric Utilities

Certificate of Service

November 8, 2017

I have served a true and correct copy to the following:

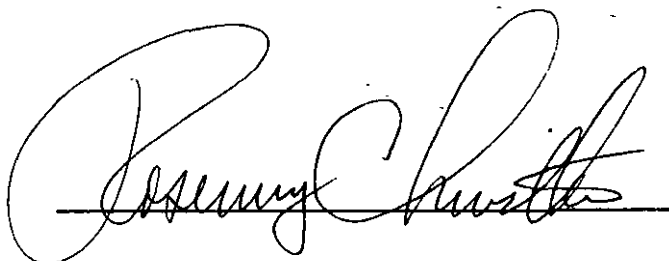
**Stephen C. Farina, Prothonotary
Dauphin County
Dauphin County Courthouse
101 Market Street
Harrisburg, Pennsylvania 17102**

**Chalmers A. Simpson
Post Office Box 5533
Harrisburg, Pennsylvania 17110**

**James W. Kollas, Esq.
Kollas and Kennedy
1104 Fernwood Avenue, Suite 104
Camp Hill, Pennsylvania 17011**

**Administrative Law Judge Dennis J. Buckley
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120**

**Kimberly G. Krupka, Esq.
Gross McGinley LLP
33 South Seventh Street
Post Office Box 4060
Allentown, Pennsylvania 18105**

A handwritten signature in cursive script, appearing to read "Rosemary Chivetta", written over a horizontal line.

**Rosemary Chivetta, Esq.
Secretary of the Pennsylvania Public Utility Commission**

Docket Number 2017-CV-04021 CV

CHALMERS A. SIMPSON, JR.

Commonwealth of Pennsylvania
County of Dauphin

vs.

ELIAS HARBILAS

RECEIVED
2017 NOV -8 PM 4:21
PA PUC
SECRETARY'S BUREAU
FRONT DESK

SUBPOENA TO ATTEND AND TESTIFY

TO Rosemary Chiavetta Secretary

1. You are ordered by the court to come to Dauphin County Court House 101 Market Street
Court Room #5 3rd Floor at Harrisburg, Pennsylvania on November 9th at 1:00 P.M.
17101 2017

to testify on behalf of Chalmers A. Simpson, Jr. in the above case, and to remain until excused.

2. And bring with you the following: All PPL Electric Company notes, files, Bills, in the
name of Chalmers A. Simpson, Jr for 2224 Walnut Street when
Electric began and ended, also how much electric used in home.

If you fail to attend or produce documents or things required by this subpoena, you may be subject to the sanctions authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure, including but not limited to costs, attorney fees and imprisonment.

Requested by: Chalmers A. Simpson, Jr. P.O. Box 5533 Harrisburg, Pa. 17110
Attorney's name, address, telephone number & identification number. 717-217-4587

Date: NOV 08 2017

By: Stephen C. Harvira
Prothonotary

Term

Court Subpoena

DAUPHIN COUNTY, ss:

On the 8th day of November, 2017, I Chalmers A. Simpson, Jr.,
served _____ with the foregoing subpoena by:
(Described method of service) Personal Service

I verify that the statements in this return of service are true and correct.
I understand that false statements herein are made subject to the penalties of 18 PA. C. S. A. 4904 relating to
unsworn falsification to authorities.

Date: 11/8/17

Chalmers A. Simpson, Jr.
(Signature)

Term

Court Subpoena

DAUPHIN COUNTY, ss:

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I understand that false statements herein are made subject to the penalties of 18 PA. C. S. A. 4904 relating to
unsworn falsification to authorities.

Date: 11/8/17

Chalmers A. Simpson, Jr.
(Signature)

CHALMERS A. SIMPSON, JR.,
Plaintiff

v.

ELIAS HARBILAS,
Defendant

: IN THE COURT OF COMMON PLEAS OF
: DAUPHIN COUNTY, PENNSYLVANIA
:
:
: CIVIL ACTION – LAW
:
: NO. 2017 CV 04021 CV
:
:

OCT 12 AM 11:49
DAUPHIN COUNTY
PENNSYLVANIA

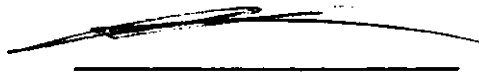
SCHEDULING ORDER

AND NOW, this 12th day of October, 2017, upon consideration of "Preliminary

Objections to Plaintiff's Complaint Filed on Behalf of Magisterial District Judge James A. Lenker,"

IT IS HEREBY ORDERED that oral argument on the Preliminary Objections shall be received by the undersigned judge on **November 9, 2017 at 1.00 P.M., sitting in Court Room #5, 3rd Floor, Dauphin County Courthouse, 101 Market Street, Harrisburg, PA.**

BY THE COURT:



Andrew H. Dowling, Judge

Distribution:

- Chalmers A. Simpson, Jr., P.O. BOX 5533, Harrisburg, PA 17110 (*Pro Se Plaintiff*)
- Rolf E. Kroll, Esquire, MARGOLIS EDELSTEIN, 3510 Trindle Road, Camp Hill, PA 17011 (Counsel for Joseph F. Vajda)
- James W. Kollas, Esquire, KOLLAS & KENNEDY, 1104 Fernwood Avenue, Suite 104, Camp Hill, PA 17011 (Counsel for Defendant Elias Harbilas)
- John. J. McNally, III, Esquire, SALZMANN HUGHES, P.C., 112 Market Street, 8th Floor, Harrisburg, PA 17101 (Counsel for Pam Miller)
- Martha Gale, Esquire, 1515 Market Street, Suite 1414, Philadelphia, PA 19102 (Counsel for Magisterial District Judge James A. Lenker)
- Joshua Allen May, #MZ 7853, SCI Camp Hill, P.O. BOX 200, Camp Hill, PA 17001
- Dauphin County Court Reporter
- Lily Hagenbuch, Esquire, Deputy Court Administrator (Civil)

OCT 12 2017
I hereby certify that the foregoing true and correct copy of the orig filed.
